UNITED
NATIONS

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Security Council

Distr.
GENERAL

S/1998/285
31 March 1998

ORIGINAL: ENGLISH

LETTER DATED 30 MARCH 1998 FROM THE CHARGE D'AFFAIRES A.I. OF THE PERMANENT MISSION OF YUGOSLAVIA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

Upon the instructions of my Government, I am writing to convey the legitimate concern and resentment of the Government of the Federal Republic of Yugoslavia at the efforts of the Security Council to adopt, contrary to the Charter of the United Nations, a resolution seeking to punish, without legal basis and justification, the Federal Republic of Yugoslavia because of the situation in Kosovo and Metohija, the southern province of the Yugoslav Republic of Serbia.

The Federal Republic of Yugoslavia and the Republic of Serbia are firmly against the inclusion of Kosovo and Metohija, which is an internal matter of the Republic of Serbia, on the agenda of the Security Council of the United Nations. They have never given, nor will they give, their consent to having an internal matter considered by the Security Council.

The realization of the rights of national minorities is the subject of international cooperation. The Federal Republic of Yugoslavia and the Republic of Serbia have never rejected dialogue and cooperation on the basis of the Charter of the United Nations and the relevant documents of the Organization for Security and Cooperation in Europe (OSCE) and the Council of Europe. However, the organization of internal political relations falls within the exclusive jurisdiction of the Member States of the United Nations. It is therefore unacceptable that the situation in Kosovo and Metohija should be the subject of deliberation in the Security Council without the prior consent of the Federal Republic of Yugoslavia, that is, the Republic of Serbia.

The key problem in Kosovo and Metohija is rooted in the continued years-long separatist policy of a part of the Albanian national minority, aiding and abetting terrorism, which has been particularly evident in the last couple of months. Despite the clear position of the international community against Kosovo and Metohija's secession from the Republic of Serbia and the Federal Republic of Yugoslavia, the leaders of the political parties of the Albanian national minority publicly advocate the secession of Kosovo and Metohija from the Republic of Serbia and the Federal Republic of Yugoslavia. In doing so,

they have threatened the territorial integrity and sovereignty of the Republic of Serbia and the Federal Republic of Yugoslavia.

The frequent terrorist attacks in Kosovo and Metohija in recent years, which have claimed the lives of dozens of civilians of all nationalities and religions, as well as elected representatives and 17 police officers, have made it incumbent on the authorities of the Republic of Serbia to take appropriate action.

The police forces of the Republic of Serbia took legitimate action against the activities of the terrorist organization, the "Liberation Army of Kosovo". On 28 February and 5 March 1998, they carried out actions of limited proportions against a terrorist stronghold in the area of Drenica. These anti-terrorist actions cannot be qualified as a threat to international peace and security. Possible excesses in the exercise of police authority, into which an official inquiry has been ordered, cannot bring into question the fundamental legitimacy of the police in protecting the State and Constitution and the territorial integrity of the Republic of Serbia and the Federal Republic of Yugoslavia, as well as the safety of all citizens in Kosovo and Metohija.

The Yugoslav Government is dismayed that no distinction in the draft resolution has been made between terrorists and the authorities engaged in the legitimate fight against terrorism. Moreover, as evinced by the proposed resolution, the legitimate police action is condemned primarily and in much stronger terms than the acts of the terrorists. The cause is replaced by the consequence, which in practice encourages terrorism.

The situation in Kosovo and Metohija is stable and under full control. There is no danger from an alleged spillover into neighbouring countries. Consequently, there is no legal basis or justification for the involvement of the Security Council.

The situation in Kosovo and Metohija is being deliberately dramatized and the contention about an alleged threat to international peace and security is aggressively propounded so as to obtain a pretext for invoking Chapter VII of the Charter of the United Nations.

The Security Council is not consistent in treating terrorist activities equally in different countries. The pursuit of double standards does not contribute to the solution of the problems in Kosovo and Metohija by peaceful means, but brings into question the credibility of the Council.

The basic principles of international relations guarantee every State the right to solve its internal matters free of foreign interference. For the Governments of the Republic of Serbia and the Federal Republic of Yugoslavia, Kosovo and Metohija is an internal question par excellence.

The Constitution of the Federal Republic of Yugoslavia, as well as the Constitutions of Serbia and Montenegro, guarantee all their citizens, including the members of all the 27 national minorities, full equality and the protection of their civil and human rights. The Province of Kosovo and Metohija, as well

as the Province of Vojvodina, enjoy territorial autonomy within the Republic of Serbia. National minorities also enjoy full cultural autonomy.

Unlike the members of other national minorities, the members of the Albanian national minority, under the pressure of their separatist leaders, have been boycotting their constitutional rights. In so doing, they have been avoiding their obligations as loyal citizens of the country in which they live.

The Governments of the Republic of Serbia and the Federal Republic of Yugoslavia are prepared to promote human and minority rights in Kosovo and Metohija within the constitutional and legal system, in accordance with the highest international standards. In this regard, they have opened a broad process for a constructive political solution of all issues related to human and minority rights in Kosovo and Metohija.

The Yugoslav side has responded positively to all the requests of the Ministerial Meeting of the Contact Group, held in London on 9 March 1998, even though the Contact Group had no formal mandate to consider the question of Kosovo and Metohija. It has initiated the following measures:

- Mr. Milan Milutinović, the President of the Republic of Serbia, in his Declaration of 18 March 1998, invited the representatives of the Government of Serbia and the Albanian political parties in Kosovo and Metohija to commence an unconditional dialogue, which would include self-government of Kosovo and Metohija within Serbia, in accordance with the Charter of the United Nations and the relevant documents of OSCE and the Council of Europe. The Government of Serbia has designated its delegation to participate in the talks;

- The Government of Serbia signed the Agreed Measures for the Implementation of the Agreement on Education, of 1996. The resumption of the work of the Albanology Institute of Priština University represents one more important step towards the normalization of education for the Albanian national minority in Kosovo and Metohija;

- The Government of the Republic of Serbia has opened an official inquiry into the alleged excessive use of force by the police during its actions in the area of Drenica;

- The Government of the Republic of Serbia extended an official invitation to the International Committee of the Red Cross (ICRC) to send an ad hoc expert team of pathologists that would help establish the facts relative to the said anti-terrorist police action. After ICRC declared itself not competent in the case at hand, the Government of the Republic of Serbia extended invitations to a number of countries to send their experts to carry out a professional and impartial investigation;

- Proceeding from the fact that the situation in Kosovo and Metohija is stable, the members of the special anti-terrorist units with their equipment were withdrawn to outside Kosovo and Metohija upon completion of the anti-terrorist action in the area of Drenica;

- Representatives of the United Nations Centre for Human Rights have regularly been granted Yugoslav visas;

- The Federal Republic of Yugoslavia is cooperating fully with the United Nations High Commissioner for Human Rights and the Office in Belgrade is functioning normally;

- Full freedom of movement was restored in Kosovo and Metohija soon after the police action in the area of Drenica and its territory has been open to informative visits by diplomats and foreign delegations. Over 300 foreign journalists have since been reporting from the Province;

- ICRC and other international organizations, in particular humanitarian ones, are present in Kosovo and Metohija.

As a result of the latest actions of the Yugoslav side, a qualitatively new climate has been created, conducive to overcoming all outstanding questions by political means through dialogue.

Conversely, the representatives of the political parties of the Albanian national minority have not only remained static, but gone further in their secessionist aspirations:

- They have not so far responded positively to the invitation of the Government of the Republic of Serbia;

- They have continuously been reaffirming that secessionism is their only goal;

- So far they have not publicly condemned terrorism in Kosovo and Metohija;

- They have engaged in procrastination and condition-making tactics, insisting on foreign mediation and on increasing pressure on the Federal Republic of Yugoslavia and the Republic of Serbia.

In contrast to the negative attitude of the representatives of the Albanian national minority, the representatives of all other national minorities living in Kosovo and Metohija have responded positively to the invitation of the Government of the Republic of Serbia. As far as the Governments of the Republic of Serbia and the Federal Republic of Yugoslavia are concerned, the dialogue on questions of interest for the equality of all citizens of Kosovo and Metohija may commence immediately.

It is not logical and it is not politically acceptable that the side which initiated a positive process, and has done the utmost to make that process proceed successfully and meaningfully, is put in the dock and is subjected to new accusations and even sanctions. In contrast, the other side, which insists on illegal secessionist goals, refuses to distance itself publicly from terrorism and flouts dialogue, is rewarded and given every cause to believe that its policy is internationally supported.

Bearing all that in mind, the Federal Republic of Yugoslavia is convinced that there is no legal basis or justification for the adoption of any resolution by the Security Council that would bear as a pretext "the situation in Kosovo and Metohija". Proceeding from its sovereign rights and consistent respect for the Charter of the United Nations, the Federal Republic of Yugoslavia rightly expects that the Security Council will discontinue further action vis-à-vis such a resolution. Chance should be given to dialogue, for which two sides are needed.

Any action in the Security Council relative to the consideration and possible adoption of a resolution against the Federal Republic of Yugoslavia would only encourage the leaders of the Albanian national minority in Kosovo and Metohija to persevere in their policy of separatism. They should enter into dialogue without any preconditions.

Instead of preventing terrorism and separatism, the adoption of the proposed draft resolution by the Security Council would have a counter-productive effect on the political process aimed at solving current problems in Kosovo and Metohija. This resolution, if adopted, would furthermore have far-reaching negative consequences not only for the Republic of Serbia and the Federal Republic of Yugoslavia, but for the region at large. It would bring into question the sovereignty of a State, which is the basic principal of international relations and guarantees the equality of all Member States of the United Nations, and create a dangerous precedent that would affect all, particularly smaller countries.

I should be grateful if you would have the present letter circulated as a document of the Security Council.

(Signed) Vladislav JOVANOVIĆ
Chargé d'affaires a.i.